

TENTATIVE RULINGS for CIVIL LAW and MOTION September 18, 2012

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6722

TENTATIVE RULING

Case: **Espino v. BAC Home Loans Servicing, LP**
Case No. CV CV 11-656

Hearing Date: **September 18, 2012** **Department Fifteen** **8:30 a.m.**

Defendant BAC Home Loans Servicing, LP's unopposed motion to expunge lis pendens is **GRANTED**. (Code Civ. Proc., § 405.30.) There is no longer a pending real property claim concerning the subject real property.

Defendant's request for attorneys' fees in the amount of \$650.00 is **GRANTED**. (Code Civ. Proc., § 405.38.)

The notice of motion does not provide the correct address for Department 15. Department 15 is located at 1100 Main Street, in Suite 300, in Woodland.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Morgan Stanley Mortgage Loan Trust 2006-1AR v. Jang**
 Case No. CV UD 11-754

Hearing Date: **September 18, 2012** **Department Fifteen** **8:30 a.m.**

Plaintiff Morgan Stanley Mortgage Loan Trust 2006-1AR's request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, 453.)

Plaintiff's unopposed motion for summary judgment is **DENIED**. Plaintiff fails to establish that a three-day written notice to vacate the property was served on defendants. (Code Civ. Proc., § 1161a, subd. (b).) Plaintiff fails to submit evidence in support its seventh, eighth, and ninth undisputed material facts. (*Aguilar v. Atlantic Richfield Company* (2001) 25 Cal.4th 826; Separate Statement of Undisputed Fact Nos. 7-9.)

If no hearing is requested, plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.